

UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF NEW YORK

Martin S. Gottesfeld, pro se,  
Plaintiff  
- against -  
Hugh J. Hurwitz, et al.

Case No: 18-cv-10836-PGG-GW

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ELECTRONICALLY FILED  
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MOTION TO COMPEL AUDIO AND VIDEO RECORDING(S)  
OF FORCED-FEEDING(S)

Plaintiff Martin S. Gottesfeld (herein the "plaintiff"), acting pro se, hereby moves The Honorable Court to order the defendants and their parties in privity to take audio and video recordings of any and all procedures in which they force-feed the plaintiff so that The Court can evaluate the Constitutionality or lack thereof of the procedure(s), and the use of threats to carry out the procedure in order to chill the exercise of First Amendment rights.

Threats by these defendants and their agents to force-feed the plaintiff were seminal to the instant case and have been in controversy since its inception. Docket entry (D.E.) 2.

The medical profession now condemns the procedure and those who carry it out, while granting ethics awards to practitioners who refuse direct orders to violate patient consent. Id.

To the plaintiff's knowledge, no federal court has ever passed judgment on an audio and video recording of the force-feeding procedure being carried out by agents of The Federal Bureau of Prisons and no such recording has ever been entered into evidence or sealed on a public docket. The plaintiff herewith provides and moves The Court pursuant to Fed. R. Evid. 201(c)(2) to take mandatory judicial notice of Exhibit 1 heret, Declaration of Martin S. Gottesfeld, in which the plaintiff waives for all time any and all right to privacy that may arise from the public docketing of any video(s) of agents of the

instant defendants force-feeding the plaintiff and notes the futility of any attempt through the preemption or suppression of any such audio and video recording to stop the publication of the identities of the particular agents carrying out or otherwise facilitating the procedure; and Exhibit 2 hereto, the plaintiff's notification to agents of the instant defendants of the filing of the instant motion.

In the plaintiff's recollection, in a similar situation, a U.S. District Court judge ordered the recording of the execution of a death sentence in The State of California using a gas chamber, and that recording led directly to The Court striking down as unconstitutional California's gas-chamber death-penalty protocol. But how many condemned citizen's ~~rights~~ Constitutional rights were violated in their dying moments using an instrument of death favored by the Nazis to commit genocide, before The Court was presented with the objective evidence that made undeniable the true horror of America's use of the gas chamber?

Decades later, force-feeding is carried out in both ~~the~~ Federal and state/local correctional and ~~detention~~ detention facilities across the country. It is used against activists, protesters, pro se litigants, pre-trial detainees, and the mentally ill. Rarely, if ever, used to preserve life, it is employed to quell political speech and protest through humiliation, intimidation, coercion, degradation, and retaliation ~~of the utterly powerless and voiceless~~ against the utterly powerless and ~~the time is over~~ utterly voiceless.

The time is over ~~to~~ ~~passed~~ to determine whether the procedure and its proponents can withstand the intense heat of the judicial crucible - or if the procedure will melt away in the adversarial process and leave behind ~~less~~ in ~~uncivilized methods~~ its place less-civilized methods, just as happened in California.

At this juncture, the plaintiff explicitly notes Exhibit 1 hereto at 2 ¶7.

2 of 3 Respectfully filed pursuant to the prison-mailbox rule of Houston v. Lack, 489 U.S. 266 (1988) by mailing to ~~the~~ The Court in an envelope bearing



sufficient affixed pre-paid first-class U.S. postage, handed to Ms. J. Wheeler of the FCI Terre Haute CMU unit team, acting in her official capacity as an agent of the defendants, on Sunday, December 22nd, 2019, or the first opportunity thereafter;

by: MOG

Martin S. Gottesfeld, pro se

Reg. No.: 12982-104

Federal Correctional Institution

P.O. Box 33

Terre Haute, IN 47808

## Exhibit 1

Declaration of Martin S. Gottesfeld:

I, Martin S. Gottesfeld, declare under penalty of perjury under the laws of The United States pursuant to 28 U.S.C. § 1746(1) that the following is true and correct on this 22nd day of December, 2019:

1. I am Martin S. Gottesfeld and I am the sole plaintiff in the case of Gottesfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG Cheren "the case"), currently pending before The Honorable U.S. District Court for The Southern District of New York Cheren "The Court").

2. I am a national political journalist and my writing has appeared at The Huffington Post, Newsweek, The Daily Mail, RT, Red State, World Net Daily (WND), Shuduproof Press, Info Wars, The Western Journal, and The Intercept.

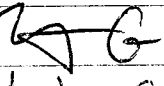
3. I am an imprisoned human-rights advocate and my advocacy has been featured by Michelle Malkin, Rolling Stone, The New American, Sirius/XM's The Willow Majority, The Daily Wire, The Daily Caller, and John Kiriakou.

4. I hereby waive for all time any and all rights to ~~protect~~ the privacy of any audio and video recordings depicting agents of the defendants in the case force-feeding me whether or not such right(s) arise from HIPAA, The HATECHA ACT, FOIA, or The Eighth Amendment and I do so voluntarily and knowingly so that the dissemination of any such recordings can advance the causes of human rights, prisoners' rights, patients' rights, and a better-informed public conscience.

5. As a medical patient in any such force-feeding procedure(s) and as a litigant thereafter I have an absolute unbridgeable right to know the names of all of the medical professionals who treat me and regardless of The Court's ruling on the motion to which this declaration is attached I will, consistent with my longstanding treatment of human-rights controversies and role as a national journalist, widely and publicly disseminate the names of such medical professionals and commence in good faith litigation and state-licensing complaints against them and their superiors, which I would also publicize.

6. Suppression from the public of any such video and audio recordings can thus not serve to shield the identities of the relevant medical professionals, because I would publish them anyway. Sealing such recordings would be pointless.

I declare, certify, and verify that the foregoing is true and correct under the penalty of perjury under the laws of The United States pursuant to 28 U.S.C. § 1746(1). Executed on December 22nd, 2019,

by:   
Martin S. Gottesfeld

7. I also certify that I will mail a copy of this filing to counsel for the defendants when I am able to do so.

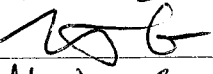
by:   
Martin S. Gottesfeld, pro se



Exhibit. 2.

From: Martin S. Gottesfeld (Reg. No.: 12982-104)  
To: FCI Terre Haute Medical and Legal Departments  
Date: Sunday, December 22nd, 2019  
Subject: Notice of Motion to Compel

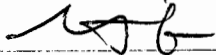
Salutations FCI Terre Haute Medical and Legal Departments,

I hope you are well.

Please be advised that I have filed a motion in the case of Gottesfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG (S.D.N.Y.) seeking The Court to order the audio and video recording of any and all procedures in which the Federal Bureau of Prisons (FBOP) force-feeds me.

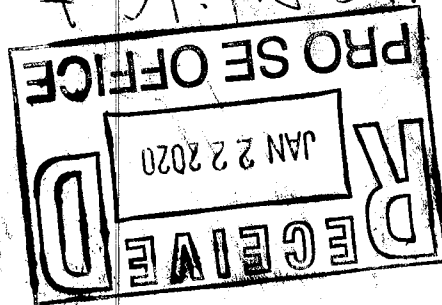
Should FCI Terre Haute force-feed me prior to the adjudication of the motion, it would likely be prudent to record and preserve against spoliation or other loss the audio and video of any such procedure(s) so as not to hinder The Court's access to evidence relevant to the ongoing litigation of the case.

Thanks,

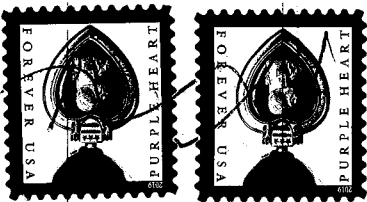


Martin S. Gottesfeld, pro se

U.S. District Court  
Office of the Probate Clerk  
500 Read St.  
New York, NY 10007



Sunday, December 2nd, 2019  
Houston v. Lark 487 U.S. 266  
(14988)



Haute, IN 47808

Box 33  
ral Correctional Institution

BER: 14982-104

IE: Martin S. Gottfeld